

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Norfolk Division

In re ZETIA (EZETIMIBE)  
ANTITRUST LITIGATION

CIVIL ACTION NO. 2:18-md-2836

THIS DOCUMENT RELATES TO:  
All cases

ORDER

Upon consideration of Plaintiffs' Motion to Compel Defendant Merck's Immediate Production of Negotiator Cell Phone Number and Carrier Information and Related Records, (ECF No. 422), and for the reasons stated on the record at oral argument on September 23, 2019, it is hereby ORDERED that the motion is GRANTED in part,<sup>1</sup> as follows:

1. Within one (1) week of the entry of this Order, Merck is Ordered to provide Plaintiffs the cell phone number and carrier information for the cell phone most likely used for business purposes for Paul Matukaitis and Ed Murray from April 1, 2009, through December 31, 2014, and for Lisa Jakob from April 1, 2009, through December 31, 2017; and
2. To the extent Merck has any cell phone records for Paul Matukaitis or Ed Murray from April 1, 2009, through

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<sup>1</sup> The original motion sought production from both Merck and Glenmark, but Glenmark voluntarily produced the records sought. (See ECF No. 520.)

December 31, 2014, or Lisa Jakob from April 1, 2009, through December 31, 2017, whether reflected in cell phone bills, expense reports, human resources files, or any other source that Merck searched to provide the phone number and carrier information noted above, such cell phone records must also be produced to Plaintiffs within one (1) week of the entry of this Order.

3. Plaintiffs shall immediately sequester any content relating to the cell phone records inadvertently produced by the cell phone providers pursuant to subpoena and immediately inform Merck of such inadvertent disclosure if it occurs.

IT IS SO ORDERED.

  
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Douglas E. Miller  
United States Magistrate Judge

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DOUGLAS E. MILLER  
UNITED STATES MAGISTRATE JUDGE

September 24, 2019